

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2083.04
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	January 20, 2004
DATE OF REPORT:	March 4, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 13, 2004

COMPLAINT ISSUES:

Whether the School City of East Chicago violated:

511 IAC 7-25-4 by failing to follow procedures for conducting an initial educational evaluation requested by a parent.

On February 19, 2004, the Director of Special Education granted an extension of time until March 4, 2004, because of the need for more time to complete the investigation.

FINDINGS OF FACT:

1. The Student is 14 years old and has been formally referred for an educational evaluation to determine the nature and extent of a suspected disability, but not yet determined eligible for special education and related services.
2. The School acknowledges that at the beginning of the 2003-2004 school year, the Parent made a verbal request for an educational evaluation of the Student. In response, school personnel prepared a Referral for Educational Evaluation (Referral). The Referral indicates that referral was requested by the Parent. The space for the referring person(s) to indicate a suspected disability has been left blank.
3. The School's policies and procedures regarding GEI require written notification to a parent of a parent's right to initiate a formal request for an educational evaluation. However, the Student's Referral does not indicate that the School implemented a general education intervention (GEI) for the Student.
4. The School did not schedule a personal meeting with the Parent to inform the parent about the evaluation process or to obtain written consent for an initial educational evaluation. The School's procedure for obtaining written parental consent for evaluation requires the involvement of the Special Education Department. For example, principals do not conduct the personal meetings required by 511 IAC 7-25-4(a) and do not have a supply of the School's consent form (Parent Notice of Permission for Educational Evaluation). This form states, "The evaluation will be conducted within sixty (60) days of the parent permission (which begins the date the signed form is received by the Director of Special Education)."
5. The Parent alleges that during the month of October, 2003, the Parent hand-delivered to the Student's school a written request (the Request) for an educational evaluation of the Student. The Parent further alleges that the Request was handed to the person behind the counter who stated that the Request would be given to the Guidance Counselor. It is unknown whether the Parent handed the Request to

certified or non-certified personnel. A copy of the Request has been shown to the individuals (office staff, school social workers, and the Dean) who stand behind the counter. Those individuals do not remember seeing or receiving the Request. The Guidance Counselor denies receiving the Request. The original Request has not been found in the Special Education Department.

6. On October 17, 2003, the Referral was received in the Special Education Department. No action on the Referral occurred from October 17, 2003, until December 10, 2003. The Special Education Department attributes the inaction to a backlog of referrals.
7. On December 10, 2003, the Special Education Department sent the first in a series of form letters to the Parent. The form letter, "Initial Parent Contact Concerning Academic Performance" (AP Letter), includes the phone number of the Special Education Department and invites a parent to a personal conference, but the AP Letter does not inform a parent that a referral for educational evaluation has been made. Two follow-up AP Letters were sent (December 17, 2003, and January 7, 2004). Although the AP Letters were not sent by certified mail, the AP Letters were sent to the same address as a subsequent letter sent by certified mail and received by the Parent.
8. On January 16, 2004, the special education office received the letter of complaint with a copy of the Request enclosed. Once received, the Request was treated as informed consent for evaluation as of the date received, and testing of the Student was scheduled for January 29, 2004. As of January 20, 2004 (the date this Complaint was filed), one instructional day had elapsed since written parental consent was received.
9. On January 23, 2004, the local director of special education sent to the Parent a letter acknowledging receipt of the Parent's letter requesting evaluation, informing the Parent of the scheduled date for testing, enclosing a copy of the Notice of Procedural Safeguards, and inviting the Parent to call with questions. On January 27, 2004, the Parent received the letter.
10. On January 29, 2004, the educational evaluation was completed, except for a social and developmental history. The School has not met with the Parent to obtain a social and developmental history.
11. On February 6, 2004, the local director of special education sent the evaluation report to the Parent, with a cover letter requesting a telephone call to schedule a case conference committee (CCC) meeting. Since approximately January 23, 2004, the Parent's telephone has not been working. A response was not received. The letter was re-mailed February 19, 2004. As of March 3, 2004, no response had been received. The School has provided no information regarding home visits.

CONCLUSION:

1. Findings of Fact #2, #3, #4, #5, #6, #7, #8, #9, #10, and #11 indicate that the School Corporation's procedures and training do not fulfill the intent of the rule that action will be taken in a timely manner when a parent makes an oral request for evaluation. The Child Find obligation under 511 IAC 7-25-2 underlies procedures for initial educational evaluations under 511 IAC 7-25-4. In addition, Finding of Fact #4 indicates that the School's consent form is non-compliant with 511 IAC 7-25-4(b). Therefore, a violation of 511 IAC 7-25-4 occurred.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

1. By April 15, 2004, review and revise the Parent Notice of Permission for Educational Evaluation and Initial Parent Contact Concerning Academic Performance (AP Letter) to conform to current special education regulations including 511 IAC 7-25-4(b).
2. By April 15, 2004, review and revise local procedures to (a) address parents' verbal requests for educational evaluations, (b) eliminate unreasonable delays in the preparation of referrals for educational evaluations, (c) eliminate unreasonable delays in seeking written parental consent for evaluation.
3. By May 1, 2004, inform principals through in-service training, and other school personnel by memorandum, (1) about the revised procedures for referrals made by school personnel; (2) that a parent may request an initial educational evaluation by submitting a written request to certified personnel; and (3) that, if school personnel initiate a referral in response to a parent's oral request for evaluation, the referral package is to be completed in a timely manner.
4. By April 1, 2004, complete the Student's educational evaluation and convene the Student's case conference committee. If telephone contact with the Parent cannot be made, the School shall make a home visit to arrange a mutually agreed upon date, time, and place of the CCC meeting.

Documentation of compliance shall consist of the following:

- (1) revised procedures and forms;
- (2) a summary of the in-service training, including hand-outs, together with a list of the persons participating in the training;
- (3) memorandum to school personnel;
- (4) record of attempts to arrange the CCC meeting for the Student;
- (5) notice of the CCC meeting; and
- (6) the Student's Case Conference Summary.

Documentation of compliance shall be submitted to the Indiana Department of Education, Division of Exceptional Learners by April 22, 2004.